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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,126	10/06/2000	Thomas R. Hull	10432/31	3216

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EXAMINER	
NGUYEN, NHON D	

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/684,126	HULL ET AL.	
	Examiner	Art Unit	
	Nhon (Gary) D Nguyen	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 February 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *56-75* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *56-75* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to amendment, filed 02/24/2005.

2. Claims 56-75 are pending in this application. Claims 56, 62, 68 and 70 are independent claims. In this amendment, no claim is canceled, claims 56, 57, 59-63, 66-68, 70 and 72-75 are amended, and no claim is added. This action is made final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 56, 59, 62, 65, 68, 69, 70, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Livingston (US 6,621,590) in view of Keyworth, II et al. ("Keyworth", US 5,579,472).

As per independent claims 56, 62, 68, 69, 70, and 71, Livingston teaches a computer implemented method and corresponding system for controlling through a graphic user interface the printing of a document having one or more pages, wherein each of the one or more pages has associated therewith more than one media and/or finishing attributes, comprising the steps/means:

a page representation for each of the more pages, the page representations being thumbnails or miniature images of particular pages (*68* and *84* of fig. 3A). Livingston does not

disclose the GUI displays more than one page representation simultaneously. Keyworth disclose a plurality of thumbnails being displayed simultaneously (fig. 3) and an attributes operator interface operatively coupled to each of these thumbnails (e.g. fig. 5). It would have been obvious to an artisan at the time of the invention to use the teaching from Keyworth of displaying a plurality of thumbnails simultaneously with an attributes operator interface operatively coupled to each of these thumbnails in Livingston's system since it would allow users quickly to review and to change each individual page's attributes.

a media and/or finishing attributes operator interface operatively coupled to each of the one or more pages for viewing and/or adding, deleting or modifying the media and/or finishing attributes of the one or more pages, wherein the more than one media and/or finishing attributes operator interface for each page may be displayed by selecting the page representation for that page (Livingston, *64* and *58* of fig. 3A; col. 5, lines 29-50).

As per claim 59, which is dependent claim 56, it is inherent in Livingston's system to further comprising a pointing device, and wherein the media and/or finishing attributes operator interface is displayed when the pointing device is manipulated over the selected page representation.

As per claim 65, which is dependent on claim 62, it is a similar scope to claim 59; therefore, it should be rejected under similar scope.

5. Claims 57, 58, 60, 61, 63, 64, 66, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Livingston in view Keyworth and further in view of Habib et al. ("Habib", US 5,694,610).

As per claim 57, which is dependent on 56, Livingston in view of Keyworth does not disclose the media and/or finishing attributes operator interface for each page is coupled via a button palette operatively coupled to the selected page. Habib discloses a page setup up button palette that operatively coupled to a specific page (*203* of fig. 2). It would have been obvious to an artisan at the time of the invention to use the teaching from Habib of a page setup up button palette that operatively coupled to a specific page in modified Livingston's system since it would allow all the page setup attributes appear on the palette and make it easier for users to control the attributes via the buttons.

As per claim 58, which is dependent on claim 57, modified Livingston does not disclose the button palette is comprised of a floating button palette which hovers above the user interface or may be hidden and triggered to appear when needed by the operator. The Examiner takes Official Notice that a popup window is hidden and triggered to appear when needed by an operator is well known in the Windows operating system. It would have been obvious to an artisan at the time of the invention to add popup feature to the button palette in modified Livingston's system since it would conserve the display space.

As per claims 60 and 61, which are both dependent on claims 56, Livingston in view of Keyworth does not disclose the media and/or finishing attributes operator interface is comprised

of a pull down menu and the media and/or finishing attributes operator interface is comprised of a dialog box. Habib discloses a page setup include a pull down menu and a dialog box (*203* of fig. 2). It would have been obvious to an artisan at the time of the invention to use the teaching from Habib of a page setup include a pull down menu and a dialog box in modified Livingston's system since it would make it easier for users to control the attributes via the pull down menu and dialog box.

As per claim 63, which is dependent on claim 62, it is a similar scope to claim 57; therefore, it should be rejected under similar scope.

As per claim 64, which is dependent on claim 63, it is a similar scope to claim 58; therefore, it should be rejected under similar scope.

As per claim 66, which is dependent on claim 62, it is a similar scope to claim 60; therefore, it should be rejected under similar scope.

As per claim 67, which is dependent on claim 62, it is a similar scope to claim 61; therefore, it should be rejected under similar scope.

6. Claims 72-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Livingston in view Keyworth and further in view of Connors (US 5,600,412).

As per claims 72-75, Livingston in view of Keyworth does not disclose the GUI detects conflicts between media and/or finishing attributes and media and/or finishing attributes which are improperly set. Connors discloses that in col. 10, lines 44-47. It would have been obvious to an artisan at the time of the invention to use the teaching from Connors of detecting conflicts between media and/or finishing attributes and media and/or finishing attributes which are improperly set in modified Livingston's system since it would allow the system to avoid the inadvertently setting conflicts.

Response to Arguments

7. Applicant's arguments filed 02/24/2005 have been fully considered but they are not persuasive.

Applicant argued the following:

(a) Combining Keyworth with Livingston, Keyworth and Habib with Livingston, or Keyworth and Connors with Livingston would not provide *displaying page representations for each of the pages of a document wherein media and/or finishing attributes for each of page are displayed on a GUI by selecting the page representation.*

(b) The required suggestions supporting the modification and combination are missing from Livingston and Keyworth.

(c) The required suggestions supporting the modification and combination are missing from Livingston, Keyworth and Habib.

(d) The required suggestions supporting the modification and combination are missing from Livingston, Keyworth and Connors.

Examiner disagrees for the following reasons:

(a) Livingston, alone, already teaches the above limitation. Figure 3A, for example, illustrates page representation 68 for first page 84 of a document. Users may want to display another page representation 68 by selecting another page 84 using selection arrow 86. Therefore, Livingston clearly does teaches *displaying page representations for each of the pages of a document.* Moreover, by selecting the page representation, as described above, *media and/or finishing attributes for each of page are displayed on a GUI* (e.g. 64 and 58 of figure 3A; col. 5, lines 29-50).

(b) In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, a GUI displaying a plurality of page representations simultaneously is in the knowledge generally available to one of ordinary skill in the art. Keyworth is used as a secondary art to show that limitation in figure 3 and figure 5, for example. It would have been obvious to an artisan at the time of the invention to use the teaching from Keyworth of displaying a plurality of thumbnails simultaneously with an attributes operator interface operatively coupled to each of these thumbnails in Livingston's system since it would allow users quickly to review and to change each individual page's attributes

(c) In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, a page setup button palette operatively coupled to a specific page is in the knowledge generally available to one of ordinary skill in the art. Habid is used as a secondary reference to show that limitation at 203 of figure 2. It would have been obvious to an artisan at the time of the invention to use the teaching from Habib of a page setup up button palette that operatively coupled to a specific page in modified Livingston's system since it would allow all the page setup attributes appear on the palette and make it easier for users to control the attributes via the buttons.

(d) In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, a GUI detecting conflicts between attributes due to improperly setting is in the knowledge generally available to one of ordinary skill in the art. Connors is used as a secondary reference to show that limitation in column 10, lines 44 through 47. It would have

been obvious to an artisan at the time of the invention to use the teaching from Connors of detecting conflicts between media and/or finishing attributes and media and/or finishing attributes which are improperly set in modified Livingston's system since it would allow the system to avoid the inadvertently setting conflicts.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is (571)272-4139. The examiner can normally be reached on Monday - Friday with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571)272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen
May 3, 2005

BA HUYNH
PRIMARY EXAMINER